

M'LENNAN COUNTY.

Waco—Ed A. Marshall.

SMITH COUNTY.

John H. Bonner.

WICHITA COUNTY.

Albert Freeman.

Senator Tyler moved to adjourn till 10 o'clock to-morrow morning.

Senator Pope moved to adjourn till 10 o'clock Monday morning.

The longer time was put first and the Senate adjourned till 10 o'clock Monday morning by the following vote:

YEAS—12.

Armistead,	Johnson,
Burges,	Lane,
Burney,	Maetze,
Cranford,	McDonald,
Glasscock,	Morris,
Harrison,	Pope.

NAYS—11.

Allen,	Ingram,
Claiborne,	Kimbrough,
Davis,	Seale,
Field,	Tyler,
Finley,	Woodward.
Frank,	

ABSENT—2.

Simkins,	Townsend.
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FIFTIETH DAY.

SENATE CHAMBER,
AUSTIN, March 11, 1889.

Senate met pursuant to adjournment.

Lieutenant-Governor Wheeler in the chair.

Roll called.

No quorum present.

Senator Lane moved a call of the Senate.

Absent — Senators Abercrombie (sick), Burges, Davis, Jarvis (sickness in family), Johnson, Maetze (on committee), McDonald, Morris (sick), Pope, Simkins, Seale, Sims and Townsend.

The Sergeant-at-Arms was dispatched to bring in the absent Senators.

Senators Johnson, McDonald, Sim-

kins and Seale were announced at the door.

On motion of Senator Burney,

The call was suspended, and,

On motion of Senator Frank,

The Senate adjourned till 2:30 p. m.

AFTERNOON SESSION.

Senate met pursuant to adjournment.

Lieutenant-Governor Wheeler in the chair.

Roll called.

No quorum present.

On motion of Senator Burney,

The Senate adjourned till 10 o'clock to-morrow morning.

FIFTY-FIRST DAY.

SENATE CHAMBER,
AUSTIN, March 12, 1889.

Senate met pursuant to adjournment.

Lieutenant-Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

The Journal of yesterday was read.

PETITIONS AND MEMORIALS.

By Senator Cranford, by request:

Resolutions of Pecan Grove Farmers' Alliance, Lodge No. 921, relating to railroad commission, agricultural bureau and the issuance of bonds for the purpose of improving public roads.

Referred to Committee on Internal Improvements.

By Senator Townsend:

Three petitions apposing a railroad commission from citizens of Lavaca, Gonzales and Colorado counties, respectively.

Referred to Committee on Internal Improvements.

By Senator Tyler, by request:

Petition of forty-two citizens of Johnson county, favoring a railroad commission.

Referred to Committee on Internal Improvements.

By Senator Lane:

Petition of citizens of the Nineteenth Senatorial district, rec-

ommending the regulation of freight charges by railroads.

Referred to Committee on Internal Improvements.

By Senator Tyler:

Petition of fifty-three citizens of Coperas Cove, Coryell county, asking for the regulation of the rates of freight on railways.

Referred to Committee on Internal Improvements.

By Senator Burges:

Petition of citizens of Llano county opposing the proposed change of the judicial system of said county.

Referred to Judiciary Committee No. 1.

By Senator Woodward:

Petition of seventy-seven citizens of Calhoun and Victoria counties, opposing the bill to establish a State Board of Health.

Referred to Committee on Public Health.

By Senator Finley:

Resolutions of the people of the southeast portion of Grayson county, favoring a railroad commission, and resolutions in regard to occupation tax, favoring a uniform series of textbooks, opposing bonds or direct tax to make public roads, and asking that all males from twenty-one to fifty-five be made subject to work on roads, etc.

Referred to Committee on Internal Improvements.

By Senator Burney:

Petition of citizens of Glasscock county, asking to be attached to Howard county for judicial and all other purposes.

Referred to Committee of Counties and County Boundaries.

REPORTS OF STANDING COMMITTEES.

By Senator Cranford,

COMMITTEE ROOM,
AUSTIN, March 8, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate concurrent resolution No. 8, being "An act requesting Senators and Representatives from Texas in Congress to secure passage of joint resolution, appointing a board of three engineer officers of the United States army to make ex-

amination of northwest coast of the Gulf of Mexico, for the purpose of selecting most suitable localities for deep water harbor, and to procure a permanent appropriation therefor,"

And find the same correctly engrossed.

CRANFORD,
Chairman.

COMMITTEE ROOM,
AUSTIN, March 8, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate concurrent resolution No. 10, being "An act requesting members of Congress from Texas to urge upon the proper department of the general government the necessity of a separate marine district on the Texas Gulf coast, and the early establishment of the same,"

And find the same correctly engrossed.

CRANFORD,
Chairman.

COMMITTEE ROOM,
AUSTIN, March 11, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Substitute Senate bill No. 217, being "An act to amend sections 1, 2, 3, 4, 5, 6, 51, 61, 62, 64, 65, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 82, 83, 84, of an act entitled an act to provide for the organization of the State penitentiaries, and for the more efficient management of the same, approved March 17, 1881, and to provide for the more efficient management of the Texas State penitentiaries, and to make an appropriation therefor, approved April 18, 1883; also to repeal an act entitled an act to amend sections 1, 2 and 4 of an act entitled an act to provide for the more efficient management of the Texas penitentiaries, and to make an appropriation therefor, approved April 18, 1883, approved March 31, 1885,"

And find the same correctly engrossed.

CRANFORD,
Chairman.

COMMITTEE ROOM,
AUSTIN, March 10, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 299, being "An act to amend article 2401 of chapter 3, title 42 of the Revised Civil Statutes,"

And find the same correctly engrossed

CRANFORD,
Chairman.

COMMITTEE ROOM,
AUSTIN, March 9, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 26, being "An act to authorize counties to fund their indebtedness and to provide means to pay the same,"

And find the same correctly engrossed.

CRANFORD,
Chairman.

By Senator Pope:

COMMITTEE ROOM,
AUSTIN, March 9, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Internal Improvements, to whom was referred

Senate bill No. 336, entitled "An act to amend article 4101, title 84, chapter 1, and article 4278, title 84, chapter 13 of the Revised Civil Statutes of the State of Texas, providing for and regulating the incorporation of railroad companies,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

POPE,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 12, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Internal Improvements, to whom was referred

Senate bill No. 344, entitled "An act to provide for the appointment of a railway commissioner and to prescribe his powers and duties,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

POPE,
Chairman.

Bill read first time.

By Senator McDonald,

COMMITTEE ROOM,
AUSTIN, March 8, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

House bill No. 560, entitled "An act to diminish the civil and criminal jurisdiction of the county court of Travis county,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

The provisions of the bill are indicated in the caption.

All of which is respectfully submitted.

MCDONALD,
Chairman.

Bill read first time.

Senator Glasscock gave notice of his intention to file a minority report on House bill No. 560.

COMMITTEE ROOM,
AUSTIN, March 8, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 333, entitled "An act to provide for prosecution of officers for official misconduct, etc., and to regulate proceedings therein,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

MCDONALD,
Chairman.

Bill read first time.

Senator Lane gave notice of his intention to file a minority report on Senate bill No. 333.

COMMITTEE ROOM,
AUSTIN, March 8, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 330, entitled "An act to regulate the time and place of all sales made by judicial sales,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

MCDONALD,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 8, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

House bill No. 354, entitled "An act to amend article 1045, of chapter 7, title 26, of the Revised Civil Statutes,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

MCDONALD,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 8, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 307, entitled "An act regulating the issuance of warehouse receipts and bills of lading making the same negotiable and providing penalties for the violation of the provisions hereof,"

Have had the same under consideration, and instruct me to report it back to the Senate, with the recommendation that it do pass.

The provisions of the bill are set forth in the title.

All of which is respectfully submitted.

MCDONALD,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 8, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Substitute House bill Nos. 245 and 279, entitled "An act to prescribe the place and time of sale of all real estate hereafter to be sold under powers con-

firmed by any deed of trust or contract lien,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass, together with the following amendments, to-wit: Strike out section 2.

The bill provides that all sales of real estate under deed of trust or contract lien shall be advertised and sold in the county where the land is situated.

All of which is respectfully submitted.

MCDONALD,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 8, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

House Bill No. 364, entitled "An act to amend chapter 8, title 84 of the Revised Civil Statutes of the State of Texas, by adding thereto article 4205a,"

Have had the same under consideration, and instruct me to report it back to the House with the recommendation that it do pass.

The bill provides that when any railroads are sued for property occupied by it, or for damages to it, the court shall have power to determine all disputes between the parties, including the condemnation of the property.

All of which is respectfully submitted.

MCDONALD,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 11, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

House bill No. 42, entitled "An act to amend article 4360 of the Revised Statutes of Texas, title 87, chapter 1, approved February 2, 1884,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

The bill provides that the commissioners' court shall change no public road except that the court find that public interest will be benefited by such change.

All of which is respectfully submitted.

MCDONALD,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March, 8, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 339, entitled "An act to authorize any person permitted by the laws of this State to administer an oath and to swear a justice of the peace, recorder of a city or any judge of a court in this State as a witness before whom a suit is pending,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

Provisions of the bill are set forth in the caption.

All of which is respectfully submitted.

MCDONALD,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 8, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 313, entitled "An act to diminish the criminal and civil jurisdiction of the county courts of Harris, Patten and Oldham counties, and to conform to the jurisdiction of said counties to such change,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

The provision of the bill is indicated in the caption.

All of which is respectfully submitted.

MCDONALD,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 8, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 338, entitled "An act to amend section 3 of an act entitled an act to provide for the appointment of receivers, and to define their powers and duties, and to regulate proceed-

ings under such appointment of receivers, approved April 2, 1887,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

The bill provides that all receivers shall give bond, payable to the State of Texas, for the benefit of the parties interested.

All of which is respectfully submitted.

MCDONALD,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 8, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 312, entitled "An act to amend chapter 2, title 32, of the Revised Civil Statutes, by adding thereto article 1545a,"

Have had the same under consideration, and instruct me to report it back to the House with the recommendation that it do not pass.

All of which is respectfully submitted.

MCDONALD,
Chairman.

Bill read first time.

By Senator Woodward:

COMMITTEE ROOM,
AUSTIN, March 12, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Counties and County Boundaries, to whom was referred

Senate bill No. 282, entitled "An act to ascertain and establish the boundary lines of unorganized counties in the State of Texas,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

WOODWARD,
Chairman.

Bill read first time.

By Senator Kimbrough for Senator Davis:

COMMITTEE ROOM,
AUSTIN, March 8, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Enrolled Bills

have carefully examined and compared

Senate bill No. 259, being "An act to incorporate the city of Dallas, and to grant it a new charter,"

And find the same correctly enrolled, and have this day, at 4 o'clock p. m., presented the same to the Governor for his signature.

DAVIS,
Chairman.

By Senator Kimbrough:

SENATE CHAMBER,
AUSTIN, March 11, 1889.

Hon. T. B. Wheeler, President of the Senate:

SIR—The undersigned, a minority of your Committee on Penitentiaries, to whom was referred

Substitute House bill Nos. 102, 147 and 424, a bill to be entitled "An act to authorize the several counties of this State to employ penitentiary convicts upon the public roads and bridges of the State,"

beg leave to dissent from the views of the majority of the committee, who have reported said bill adversely, and recommend that the bill do pass, and in support of this position submit for the consideration of the Senate the following reasons, to-wit:

First. We believe that if this bill should become the law that it will greatly aid in a solution of the road question by giving to the counties cheap labor, and at the same time relieve the State of its surplus convicts, so that it is advantageous to both State and county.

Second. This bill does not, in the least, propose to interfere with those convicts needed by the State to be worked on State account, nor with existing contracts for hire. Hence, it cannot, in any way, prevent the enlargement of the State farms, nor effect the efficiency of the necessary labor. Nor will it effect the working or extending of the manufacturing plants owned and operated by the State. Nor can it in any way impede the declared policy of the State to confine all convicts within the walls, because it leaves discretion with the management to say what convicts may be worked upon the roads, and of course as long as there is room and employment within the walls none will be sent out to the counties.

Third. We believe that every provision is made in the bill to prevent abuses and insure the working of con-

victs according to the rules and regulations of the penitentiary management, in that the bill requires the appointment of a sergeant by the Superintendent, who is to be the State's agent and is independent of the control of the county.

Fourth. We find, from the Superintendent's report, that there are four hundred convicts who are not permanently employed and who are likely to be thrown on the State's hands at any time to be supported, and with nothing for them to do, which fact the report says should not be overlooked in making our appropriations. If the counties were allowed to use these convicts, those hiring them would be compelled to make a contract for a definite period of time and thereby relieve the State of this uncertainty, besides the rapid increase of convicts, requires more avenues of employment to make them self-sustaining.

All of which is respectfully submitted.

KIMBROUGH,
FINLEY,
TYLER.

By Senator Lane:

COMMITTEE ROOM,
AUSTIN, March 11, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Roads and Bridge, to whom was referred

House bill No. 179, entitled "An act to amend articles 4410, 4413 and to add article 4429a of the Revised Statutes of Texas, in relation to public roads,"

have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

The bill seeks to punish persons who fall and refuse to work upon public roads after they have been summoned and attend for that purpose.

All of which is respectfully submitted.

LANE,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 12, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Roads and Bridges, to whom was referred

House bill No. 157, entitled "An act to repeal articles 4390a and 4390c, of chapter 13, of the general laws of the

special session of the Eighteenth Legislature,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass.

This bill seeks to repeal the law giving commissioners of the several counties supervision of public roads, etc.

All of which is respectfully submitted.

LANE,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 12, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Roads and Bridges, to whom was referred

Senate bill No. 321, entitled "An act to amend an act entitled an act to require railroad companies to place and keep that portion of their roadbed and right-of-way over or across which public county roads may run in proper condition for the use of the traveling public, approved March 24, 1885,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

LANE,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 12, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Roads and Bridges, to whom was referred

House joint resolution, providing for the appointment of a joint committee from both houses to get up a bill on needed public road legislation,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

LANE,
Chairman.

Bill read first time.

By Senator Armistead:

COMMITTEE ROOM,
AUSTIN, March 11, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Finance, to whom was referred

House bill No. 84, entitled "An act to amend section 3 of an act entitled an act to amend articles 4662, 4664 and 4665, chapter 1, title 95, of the Revised Civil Statutes, as amended March 24, 1881, approved May 4, 1882,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass with the following amendments:

Under head of persons engaged in discounting and shaving paper, or as money brokers and bankers whose transactions amount to not more than fifty thousand dollars, strike out "tax of fifty dollars" and insert "tax of twenty-five dollars."

After the words "toll bridge" strike out the word "ferryboat," and after the words "seven dollars" add "for every person, firm or association of persons following the occupation of ship brokers or ship agents, if, in a city or town of ten thousand inhabitants or more, fifty dollars; if in a city or town of less than ten thousand inhabitants, ten dollars."

After the word "conveyances" add "or other person drawing deeds or other legal instruments for pay."

Under the head of physicians, surgeons, oculists, etc., strike out "tax of fifty dollars" and insert "tax of one hundred dollars."

Under head of persons selling Police News, Police Gazette, etc., strike out "five hundred" and insert "twenty-five."

Under head of ten pin alleys, strike out "one thousand" and insert "fifty." Under same head after the words "shall be regarded as used for profits" add "and shall pay an annual tax of two hundred and fifty dollars."

Under the head of peddlers with two horses add after "provided" the words "any blind, deaf and dumb, or,"

Under the head of circus strike out "one hundred" and insert "fifty."

After the word "fight" add "between man and man or."

Under the head of cock-pit strike out "five hundred" and insert "fifty."

Under the head of menageries, wax-works, etc., strike out "ten" and insert "five."

Under the head of insurance companies strike out the words "live stock."

Under head of canvassers for sale of lightning rods, strike out "one hundred" and insert "thirty-six;" also strike out "fifty" and insert "eighteen."

After the words "cotton broker" insert the words "cotton buyer."

Under head of dealers in sewing machines, strike out "fifteen" and insert "ten."

Under head of persons doing express business, strike out "five hundred" and insert "one thousand."

Under head of persons running railroad cars, steamboats, etc., before the word "passenger," add the words "freight and;" also after the word "passenger" strike out "travel" and insert "traffic."

Under the head of persons loaning money as agent or agents, etc., to strike out the words "and ten dollars for each county in which they may do business."

All of which is respectfully submitted.

ARMISTEAD,
Acting Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 11, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

House bill No. 342, entitled "An act to restore the jurisdiction of the county courts to the counties of Greer, Henderson and Donley, and to repeal all laws in conflict therewith,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

FIELD
Acting Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 11, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

House bill No. 445, entitled "An act to repeal exception 4 to article 730, chapter 7, title 8, of the Code of Criminal Procedure of the State of Texas," in relation to persons competent to testify in criminal actions, and to permit the defendant in a criminal action to testify in his own behalf,

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

FIELD,
Acting Chairman.

Bill read first time.

Senator Tyler gave notice of his intention of filing a minority report on House bill No. 445.

COMMITTEE ROOM,
AUSTIN, March 11, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

House bill No. 410, entitled "An act to amend an act passed by the regular session of the Twentieth Legislature, and approved April 2, 1887, entitled an act to amend article 430, of section 1, and to repeal section 2 of an act entitled an act to amend articles 423, 424, 425, 426, 427, 428, 429 and 430a, and to create article 426 1-2, and to repeal article 430 of chapter 5, title 13, of the Penal Code of the Revised Statutes, for the protection of fish and game, approved March 15, 1881,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass with the following amendments, to-wit:

Amend the caption of the bill by inserting after the word "amend" in line 4 the following: "An act passed by the regular session of the Eighteenth Legislature, and approved April 18, 1883, entitled an act to amend."

Strike out the words "article 425" in line 25, page 2 of the bill.

Strike out the words "third district" in the engrossed rider.

All of which is respectfully submitted.

FIELD,
Acting Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 11, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 220, entitled "An act to amend article 218 of the Penal Code of the State of Texas, so that any person convicted of a misdemeanor or petty offense, and afterward hired out or put to work on the manual labor farm or public improvements of the county, who shall escape from the parties in whose custody he is placed, shall be punished by imprisonment in the county jail for a term not exceeding two years, and during the term of such imprisonment he may again be

committed to labor as provided by law."

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that the accompanying committee substitute do pass.

The substitute seeks to make the term of such imprisonment not exceeding six months, instead of not exceeding two years.

All of which is respectfully submitted.

FIELD,
Acting Chairman.

Bill read first time.

By Senator Woodward,
COMMITTEE ROOM,
AUSTIN, March 12, 1889.

Hon. T. B. Wheeler, President of the Senate:

The undersigned, a minority of the committee to whom was referred

House bill No. 445, entitled "An act to repeal exception four to article 730, chapter 7, title 8 of the Code of Criminal Procedure of the State of Texas, in relation to persons competent to testify in criminal actions, and to permit the defendant in a criminal action to testify in his own behalf, beg leave to differ from the majority and herewith present this, their minority report, believing that by the adoption of this bill, the State will place itself in line with many of the most progressive states in the Union, and conform to the rule established by the Federal courts.

WOODWARD,
TYLER,
BURGES.

BILLS AND RESOLUTIONS.

By Senator Claiborne:

WHEREAS, The Senate of the State of Texas has accomplished but little, notwithstanding the great amount of labor performed, and there is a great and growing anxiety to get away to our homes and business; therefore, be it

Resolved, That the Senate hold three sessions each day, viz: From 9 a. m. to 1 p. m., and from 2:30 p. m. to 5:30 p. m., and from 7 p. m. to 9:30 p. m.

Ordered to lie over one day.

By Senator Johnson:

A bill to be entitled "An act to define the Fourth judicial district of the State of Texas, to prescribe the times for holding the terms of the district courts therein, to provide for the ap-

pointment and election of the district judge and district attorneys in said district, and to repeal all laws and parts of laws in conflict therewith."

Referred to Committee on Judicial Districts.

A bill to be entitled "An act to create the Forty-eighth judicial district of the State of Texas, to fix the times for the holding courts therein, and to provide for the appointment and election of judges and district attorneys in the same, and to repeal all laws and parts of laws in conflict therewith."

Referred to Committee on Judicial Districts.

A bill to be entitled "An act to prescribe the times for holding the terms of the district court in the Seventh judicial district, and to repeal all laws and parts of laws in conflict therewith."

Referred to Committee on Judicial Districts.

By Senator Cranford, by request:

A bill to be entitled "An act to provide for the relief of and to grant a pension to Mrs. Lavina King, of Hopkins county, the surviving widow of John N. King, deceased, a Texas veteran."

Referred to Committee on Claims and Accounts.

By Senator Burney:

A bill to be entitled "An act to amend article 1067, chapter 3, title 15, of the Code of Criminal Procedure."

[The amendment proposed reads:

Article 1067. It shall be the duty of the sheriff to pay the expenses of jurors impaneled in cases of felony and of witnesses while in his custody under "strict rule," who reside in the county where the case is being tried (except when such expenses are paid by the juror or witness himself), the expense of employing and maintaining a guard, and to support and take care of all prisoners, for all of which he shall be reimbursed by the proper county according to the rates fixed in the two preceding articles; provided, the county shall not be liable for more than one dollar per day for expenses of a witness.]

Referred to Judiciary Committee No. 2.

By Senator Finley:

A bill to be entitled "An act to amend section 1, of an act to provide for a more speedy counting of the vote at special and general elections, an l

to pay the judges and clerks for the same, approved March 14, 1887."

Referred to Committee on Privileges and Elections.

By Senator Burges, by request:

A bill to be entitled "An act to amend sections 5, 7, 8, 9, 10, 11 and 14 of an act to provide for the sale of all lands heretofore or hereafter surveyed and set apart for the benefit of the public free schools, the University and the several asylums, and the lease of such lands and for the public lands of the State, and to prevent the free use, occupancy, unlawful enclosure or unlawful appropriation of such lands, and to prescribe and provide adequate penalties therefor, approved April 1, 1887."

[Providing that strictly grazing lands may be sold in any number not to exceed four sections.]

Referred to Committee on Public Lands and Land Office.

The following messages were received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 11, 1889.

Hon. T. B. Wheeler, President of the Senate:

SIR—I am instructed to inform the Senate that the House has passed the following bills:

Senate bill No. 97, entitled "An act to authorize the county commissioners' court of Hidalgo county to issue bonds for the protection of the court house and jail and other property from further erosion of the Rio Grande river and to levy a tax to pay the interest and principal thereof."

Passed by two-thirds vote—yeas, 97; nays, 2.

Also Senate bill No. 803, "An act to restore and confer upon the county court of Wilson county, the civil and criminal jurisdiction heretofore belonging to said court under the Constitution and General Statutes of the State, to conform the jurisdiction of the district court of said county to such change, and to repeal all laws in conflict with the provisions of this act." By two-thirds vote, yeas, 79; nays, none.

Also Senate bill No. 258, "An act to incorporate the city of Fort Worth, and to grant a new charter to said city." By two-thirds vote, yeas, 78; nays, none.

Also House bill No. 455, "An act to restore the civil jurisdiction of the county court of Brazos county, and to repeal all laws in conflict therewith." Also

Substitute House bill No. 471, "An act to validate certain notarial acts in the State of Texas." by a two-thirds vote—75 yeas, nays none.

I am also directed to inform the Senate that the House of Representatives has concurred in the Senate amendment to

Substitute House bill No. 355, a bill to be entitled "An act to amend section 16 of an act entitled an act to redistrict the State of Texas into judicial districts and to fix the time for holding courts therein, and provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883, approved March 30, 1885, approved March 30, 1887."

By the following vote: Yeas, 79; nays, none.

—W. M. IMBODEN,
Chief Clerk House of Representatives.

HOUSE OF REPRESENTATIVES.

AUSTIN, March 13, 1889.

Hon. T. B. Wheeler, President of the Senate:

SIR—I am directed by the House to inform the Senate that the House has passed

Substitute House bill No. 298, being "An act to encourage irrigation, and to provide for the acquisition of the right to the use of water, and for the construction and maintenance of canals, ditches, flumes, reservoirs and wells for irrigation, and for mining milling and stockraising, in the arid districts of Texas," by a majority vote—yeas 69, nays 6.

W. M. IMBODEN,
Chief Clerk House of Representatives

After having publicly read its title the President gave notice of signing, and did sign, in open session of the Senate,

Substitute House bill No. 21, "An act to make valid and to confirm certain contracts of sale made by the Land Board of the State of Texas with divers persons for the sale of certain free school, University and asylum lands of the State of Texas, sold under the act of the Legislature of the State of Texas, approved April 12, 1883."

The President referred substitute House bill No. 298, to the Committee on Mining Geology and Irrigation.

House bill No. 455, to Judiciary Committee No. 1,

And

House bill No. 471, to Judiciary Committee No. 1.

On motion of Senator Seale, Senator Morris was excused till next Monday on account of sickness.

On motion of Senator Frank, Senator Sims was excused till Thursday on account of sickness in his family.

On motion of Senator Lane, Senator Davis was excused till Thursday, on account of important business; Senator Abercrombie till Thursday, on account of sickness; and Senator Townsend from Saturday before last until to-day, on account of important business.

On motion of Senator Armistead, Senator Jarvis was excused till next Wednesday, on account of sickness in his family.

On motion of Senator Woodward, The regular order of business was suspended to take up

Senate bill No. 201, a bill to be entitled "An act to amend an act to provide for the payment of the bonds of the State of Texas, that will become due, and are retirable in the years 1876 and 1877, and to make adequate provisions for the payment of the floating indebtedness of the State, and to supply deficiencies in the revenue by the sale of the bonds of the State, and to make an appropriation to carry into effect the provisions of the same," approved July 6, 1876.

The bill was laid before the Senate, read the second time and ordered engrossed.

Senate bill No. 26, a bill to be entitled "An act to authorize counties to fund their indebtedness, and to provide means to pay the same."

Was laid before the Senate and read the third time.

On motion of Senator Armistead further consideration of the bill was postponed until next Monday.

Senator Pope moved to suspend the regular order of business and take up

Substitute House bills Nos. 9, 117, 136, 193 and 313, a bill to be entitled "An act to define trusts, and to provide for penalties and punishment of corporations, persons, firms and associations of persons connected with them, and to promote free competition in the State of Texas."

Adopted by the following vote:

YEAS—17.

Allen,	Cranford,
Armistead,	Finley,
Burges,	Frank,
Burney,	Glasscock,

Harrison,
Ingram,
Johnson,
Kimbrough,
McDonald,

Pope,
Seale,
Tyler,
Woodward.

NAYS—4.

Claiborne,
Field,

Lane,
Townsend.

ABSENT—1.

Simkins.

The bill was laid before the Senate, and read the second time, with a favorable committee report.

Senator Pope moved to

Amend section 8, line 5, of the printed bill by striking out the word "provided" and insert therefor the word "proving."

Adopted.

Senator Pope moved to

Insert in line 8 of section 6 of the printed bill the word "or" in between the words "there under" and "pursuance."

Adopted.

Senator Field moved to

Amend section 7, by adding the word "knowingly" before the word "acted" in line 4.

Adopted.

Senator Field moved to

Amend section 8, by adding after the word "it" in line 4 the following, "with knowledge that such trust or combination exists."

Adopted.

The bill as amended, passed to its third reading.

Senate bill No. 217, a bill to be entitled "An act to amend sections 1, 2, 3, 4, 5, 6, 51, 61, 62, 64, 65, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 82, 83, 84 of an act entitled an act to provide for the organization of the State penitentiaries, and for the more efficient management of the same, approved March 17, 1881; also to repeal an act entitled an act to provide for the more efficient management of the Texas State penitentiaries, and to make an appropriation therefor, approved April 18, 1883; also to repeal an act entitled an act to amend sections 1, 2 and 4 of an act entitled an act to provide for the more efficient management of the Texas State penitentiaries, and to make an appropriation therefor, approved April 18, 1883, approved March 31, 1885."

Was laid before the Senate on its third reading.

The bill was read the third time and Passed by the following vote:

YEAS—16.

Allen,	Harrison,
Armistead,	Ingram,
Burges,	Johnson,
Cranford,	McDonald,
Field,	Pope,
Finley,	Seale,
Frank,	Tyler,
Glasscock,	Woodward.

NAYS—5.

Burney,	Lane,
Claiborne,	Townsend.
Kimbrough,	

ABSENT—1.

Simkins.

Senator Burges entered a motion to reconsider the vote just taken.

On motion of Senator Tyler,

The regular order of business was suspended to take up

Senate bill No. 51, a bill to be entitled "An act to provide for the more efficient government and maintenance of the House of Correction and Reformatory at Gatesville, and to make an appropriation therefor."

The bill was laid before the Senate and read the second time, with three committee amendments.

The committee amendments were adopted.

Senator Tyler moved to

Amend section 11, line 6, between the words "years" and "provided," by inserting the words, "unless transferred therefrom to the penitentiary or incorrigibility, as hereinafter provided."

The amendment was lost by the following vote:

YEAS—4.

Glasscock,	Simkins,
Kimbrough,	Tyler.

NAYS—18.

Allen,	Harrison,
Armistead,	Ingram,
Burges,	Johnson,
Burney,	Lane,
Claiborne,	McDonald,
Cranford,	Pope,
Field,	Seale,
Finley,	Townsend,
Frank,	Woodward.

The bill, as amended, was ordered engrossed.

Senate concurrent resolution No. 8, "Requesting Senators and Representatives from Texas in Congress to secure passage of joint resolution, appointing a board of three engineer officers of the United States army to make examination of northwest coast of Gulf of Mexico, for the purpose of selecting most suitable location for deep water harbor and to procure a permanent appropriation therefor,"

Was laid before the Senate on its third reading.

The resolution was read the third time and passed.

Senate concurrent resolution No. 10, requesting members of Congress from the State of Texas to urge upon the proper department of the general government the necessity of a separate marine district on the Texas Gulf coast, and the early establishment of the same,

Was laid before the Senate on its third reading.

The resolution was read the third time and passed.

Senate bill No. 211, a bill to be entitled "An act to regulate railroads doing business in the State of Texas, to fix maximum rates of freight charges on all classes of freights, to compel all such railroad companies to establish classification on all kinds of freights, and to divide all freights in classes ranging from one to ten inclusive, to prevent unjust discrimination and extortion, and to classify certain articles of freight in appropriate classes, and to repeal all laws and parts of laws in conflict herewith,"

Being the first special order, was laid before the Senate and read the second time.

Senator Lane offered a substitute for the bill.

On motion of Senator Kimbrough, The substitute was adopted for the original bill.

Senator Woodward moved to consider the bill by sections.

Adopted.

Senator Johnson moved to

Amend section 3:

Strike out "thirty" and insert "twenty-four."

Strike out "twenty-six" and insert "twenty."

Strike out "twenty-two" and insert "eighteen."

Strike out "twenty" and insert "sixteen."

Strike out "eighteen" and insert "fourteen."

Strike out "sixteen" and insert "twelve."

Strike out "fourteen" and insert "ten."

Strike out "twelve cents" and insert "nine."

Lost.

Senator Seale moved to

Amend section 3, line 11, by striking out the word "eight" and insert "seven" in lieu thereof.

(Senator McDonald, President pro tem., in the chair.)

The amendment was adopted by the following vote:

YEAS—13.

Allen,	Glasscock,
Armistead,	Ingram,
Cranford,	Pope,
Field,	Seale,
Finley,	Simkins,
Frank,	Tyler,
	Woodward,

NAYS—8.

Burney,	Kimbrough,
Clalborne,	Lane,
Harrison,	McDonald,
Johnson,	Townsend.

ABSENT—1.

Burges.

(The President in the chair.)

Senator Finley offered the following amendment:

In section 3, line 2, after the word "class," strike out "not exceeding," and in line 5, after the word "less," strike out "not exceeding."

Lost.

Senator Tyler moved to

Amend section 4, line 10, by inserting between the words "kinds" and "timber" the following: "Fence posts of all kinds."

Adopted.

Senator Johnson moved to

Amend Section 4 by adding to the end thereof the following:

"Provided, that no railroad company in this State shall charge more for the transportation of any class or kind of freight than the rate which said company was charging for the transportation of such freight on the first day of January, 1889; and any such railroad so charging more for the transportation of any kind or class of freight than the said rate which said company was charging therefor on the first day of January, 1889, shall be guilty of overcharge and shall be subject to the penalties prescribed in section 12 of this act; and in addition

thereto shall be subject to the penalties heretofore provided for by law for overcharge of freight."

(Senator McDonald, President pro tem., in the chair.)

Senator Simkins offered the following substitute for Senator Johnson's amendment:

That all articles not herein classified shall not be classified higher or greater charges imposed by any railroad than was in force on the first day of January, A. D. 1889.

Accepted.

(The President in the chair.)

On motion of Senator Claiborne, The Senate adjourned until 2:30 p. m.

AFTERNOON SESSION.

Senate met pursuant to adjournment.

Lieutenant-Governor Wheeler in the chair.

Roll called.

Quorum present.

On motion of Senator Tyler,

Senator Ingram was excused for the afternoon.

The amendment offered by Senator Simkins, being the pending business, was laid before the Senate.

Senator Burges moved a call of the Senate.

Call sustained.

Absent—Senators Pope and Townsend.

The pending business went to the table, and

The Sergeant-at-Arms was dispatched to bring in the absent Senators.

On motion of Senator Burney,

Senate bill No. 321, a bill to be entitled "An act to attach the unorganized counties of Ector, Upton and Crane to the organized county of Midland for judicial, surveying and other purposes, and to attach the unorganized county of Glasscock to the organized county of Martin for judicial, surveying and other purposes,"

Was laid before the Senate and read the second time.

Senator Burney moved to

Amend section 2 by striking out "Martin," in line 3, and insert therefor the word "Howard." Also in caption the same way.

Adopted.

The bill as amended was ordered engrossed.

On motion of Senator Armistead,

Senate bill No. 291, a bill to be entitled "An act to require foreign corporations to file their articles of incorporation with the Secretary of State, and imposing certain conditions upon such corporations transacting business in this State; and to repeal an act approved April 2, 1887, entitled an act to require foreign corporations to file their articles of incorporation with the Secretary of State, and imposing certain conditions upon such corporations transacting business in the State, and providing penalties for a violation of the same,"

Was laid before the Senate and read the second time, with a committee amendment.

The committee amendment was adopted.

And the bill, as amended, was ordered engrossed.

On motion of Senator McDonald, Senate bill No. 314, a bill to be entitled "An act to provide for the payment of fees to district and county attorneys in quo warranto and injunction cases brought in the name of the State," was taken up out of its regular order.

The bill was read the second time with a favorable committee report and ordered engrossed.

Senator Simkins moved to excuse the absent Senators.

Lost by the following vote:

YEAS—9.

Abercrombie,	Lane,
Armistead,	Simkins,
Field,	Upshaw,
Frank,	Woodward.
Glasscock,	

NAYS—12.

Allen,	Harrison,
Buiges,	Johnson,
Burney,	Kimbrough,
Claiborne,	McDonald,
Cranford,	Seale,
Finley,	Tyler.

ABSENT—2.

Pope, Townsend.

On motion of Senator Lane, Senate bill No. 331, "An act to amend sections 22 and 23 of chapter 67, of an act to redistrict the State into judicial districts and to fix the time for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in

November, 1884, approved April 9th, 1883, was laid before the Senate and read the second time.

Senator Lane offered a substitute for the bill.

The substitute was adopted for the original bill.

The bill, as substituted, was ordered engrossed.

On motion of Senator Harrison, Substitute Senate bill No. 169, a bill to be entitled "An act to provide for the survey, classification and disposition of the lands embraced in chapter 19 of the General Laws of the Sixteenth Legislature, approved February 25, 1879,"

Was taken up out of its regular order.

The bill was read the second time, with a committee substitute.

The Committee substitute was adopted.

Senator Harrison moved to amend section 1, line 6, by striking out the word "of," and insert therefor the words "or surveys of not more than."

Adopted.

Senator Harrison moved to amend section 1, line 9, by inserting after the word "survey," the words "or part thereof"

Adopted.

Senator Harrison moved to amend section 1, line 9, by striking out the words "fully and."

Also amend lines 9 and 10, section 1, by striking out the word "completed."

Adopted.

Senator Harrison moved to Amend section 1, line 13, by inserting after the word "even" the words "numbered surveys or."

Adopted.

Senator Harrison moved to Amend section 2, line 9, by inserting after the word "section" the words "or survey."

Adopted.

Senator Harrison moved to Amend section 2, line 10, by striking out the words "said selection is made," and insert therefor the words, "this act goes into effect."

Adopted.

Senator Harrison moved to Amend section 2, line 12, by striking out the word "selection" and insert therefor the words, "land is placed upon the market for sale."

Adopted.

Senator Harrison moved to Amend section 2, line 12, by inserting after the word "section" the words "or survey."

Adopted.

The bill as amended was ordered engrossed.

Senators Townsend and Pope were announced at the door.

On motion of Senator Lane,

The call was suspended and the pending business was again taken up.

With the consent of Senator Johnson,

Senator Simkins withdrew his amendment and moved to

Amend section 4, in line 5, strike out all after the word "and," in line 5, down to the word "provided," and insert in lieu thereof: "A higher classification than that in use on January 1, 1889, on the several roads in this State shall be prima facie evidence of an unjust classification."

Senator Lane moved to table the amendment.

Lost by the following vote:

YEAS—9.

Abercrombie,	Seale,
Claiborne,	Townsend,
Harrison,	Upshaw,
Lane,	Woodward.
Pope,	

NAYS—14.

Allen,	Frank,
Armistead,	Glasscock,
Burges,	Johnson,
Burney,	Kimbrough,
Cranford,	McDonald,
Field,	Simkins,
Finley,	Tyler.

The amendment was adopted by the following vote:

YEAS 14.

Allen,	Glasscock,
Armistead,	Johnson,
Burney,	Kimbrough,
Cranford,	McDonald,
Field,	Simkins,
Finley,	Townsend.
Frank,	Tyler.

NAYS 9.

Abercrombie,	Pope,
Burges,	Seale,
Claiborne,	Upshaw,
Harrison,	Woodward.
Lane,	

Senator McDonald moved to

Amend section 4 by adding after the last word "kinds" in line 10, the following: "Bois d'arc blocks and other blocks of wood for paving and other purposes."

Lost.

Senator Allen moved to

Change "cornmeal and flour" from the fourth class and add them to the ninth class.

Senator Claiborne offered the following substitute for the amendment:

Amend by taking cornmeal, flour and heavy iron products out of class 4 and add them to class 6.

Lost by the following vote:

YEAS—8.

Claiborne,	Pope,
Finley,	Seale,
Harrison,	Townsend,
Lane,	Upshaw.

NAYS—15.

Abercrombie,	Glasscock,
Allen,	Johnson,
Armistead,	Kimbrough,
Burges,	McDonald,
Burney,	Simkins,
Cranford,	Tyler.,
Field,	Woodward.
Frank,	

Senator Armistead moved the previous question on the amendment and the bill.

The motion was seconded, and

The Senate refused to order the main question.

Senator Allen's amendment was adopted by the following vote:

YEAS—12.

Allen,	Johnson,
Armistead,	Kimbrough,
Burney,	Seale,
Cranford,	Simkins,
Frank,	Townsend,
Glasscock,	Tyler.

NAYS—11.

Abercrombie,	Lane,
Burges,	McDonald,
Claiborne,	Pope,
Field,	Upshaw.
Finley,	Woodward.
Harrison,	

Senator Seale moved to reconsider the vote just taken.

Adopted by the following vote:

YEAS—14.

Abercrombie,	Lane,
Armistead,	McDonald
Burges,	Pope,
Burney,	Seale,
Claiborne,	Townsend,

Field,
Harrison,

Upshaw,
Woodward.

NAYS—9.

Allen,
Cranford,
Finley,
Frank,
Glasscock,

Johnson,
Kimbrough,
Simkins,
Tyler.

Senator Lane moved to
Amend Senator Allen's amendment
by striking out "class 9" and insert
"class 6."

Senator Simkins offered the follow-
ing substitute for Senator Lane's
amendment to Senator Allen's amend-
ment:

Strike out "ninth class" and insert
"seventh class."

Accepted.

Senator Townsend moved the pre-
vious question on the amendment.

Seconded.

The main question was ordered.

Senator Simkins' amendment was
adopted as a part of Senator Allen's
Amendment, and

Senator Allen's amendment as
amended was adopted as a part of the
bill.

Senator Kimbrough moved to

Amend section 4 by inserting the
words, "manufactured clothing in
boxes or cases," after the word
"bales," in line 40.

Adopted.

Senator Cranford moved to

Amend by changing "bagging, jute
and hemp," for "cotton bales, coarse
sacks for grain," in seventh class to
the ninth class.

Lost by the following vote:

YEAS—10.

Allen,
Armistead,
Cranford,
Finley,
Frank,

Glasscock,
Johnson,
Kimbrough,
Simkins,
Tyler.

NAYS—13.

Abercrombie,
Burges,
Burney,
Claborne,
Field,
Harrison,
Lane,

McDonald,
Pope,
Seale,
Townsend,
Upshaw,
Woodward.

Senator Johnson moved to
Insert in sixth class, after the words
"dried fruits," the words, "canned
vegetables, fruits and meats."

Adopted.

Senator Glasscock moved to
Amend section 4, page 3, by adding
after the word "oil," in line 34, the
words "and paints and white lead."
Adopted.

Senator Kimbrough moved to put
beer in the seventh class.

Senator Finley offered the following
substitute for Senator Kimbrough's
amendment:

Amend section 4, lines 19 and 20, by
striking out "beer" (with which the
shipper may load three thousand
pounds of ice free with carload lots)
and insert the words so stricken out
after the word "syrup" in line 29,
which changes from the eighth to the
sixth class.

Lost.

(Senator Johnson in the chair.)

Senator Kimbrough's amendment
was adopted by the following vote:

YEAS—12.

Allen,
Burges,
Burney,
Cranford,
Finley,
Frank,

Glasscock,
Kimbrough,
Pope,
Simkins,
Townsend,
Tyler.

NAYS—11.

Abercrombie,
Armistead,
Claborne,
Field,
Harrison,
Johnson,

Lane,
McDonald,
Seale,
Upshaw,
Woodward.

(The President in the chair.)

Senator Armistead moved to change
"green fruits" from class 4th to class
8th.

Adopted.

Senator Woodward moved to

Amend section 4, line 14, on page 3,
by inserting after the word "cement,"
in said line, the words "oysters in the
shell."

Adopted.

Senator Pope offered the following
amendment:

After the word "beer," in line 19,
section 4, the words "in barrels or kegs
unbottled," place in class 7th.

Adopted.

Senator Armistead moved to

Amend by adding after the word
"shell" in Senator Woodward's
amendment, in line 14, class 10, the
words "and all products of iron found-
ries and furnaces."

Adopted.

Senator Townsend moved to

Amend class 10 by inserting after

the word "furnaces," in Senator Armistead's amendment, the words "refrigerated meats in car load lots, with sufficient ice free of charge for its preservation."

Adopted.

Senator Burges moved to

Amend by adding after the word "grain" in line 24 the word "pecans."

Adopted.

Senator Johnson offered the following amendment:

Before the word "provided," in line 7, insert: "And if any railroad shall charge a higher rate for the transportation of any class or kind of freight than was by such road charged for the transportation of said class or kind of freight on the 1st day on January, 1889, it shall be deemed prima facie evidence that such charges were unreasonable and unjust."

Senator Townsend moved to

Amend the amendment by inserting "not herein classified."

Adopted.

Senator Townsend moved the previous question on the amendment.

Seconded.

The main question was ordered, and

The amendment as amended was adopted by the following vote:

YEAS—14.

Allen,	Glasscock,
Armistead,	Johnson,
Burges,	Kimbrough,
Burney,	McDonald,
Claiborne,	Simkins,
Cranford,	Townsend,
Finley,	Tyler.

NAYS—9.

Abercrombie,	Pope,
Field,	Seale,
Frank,	Upshaw,
Harrison,	Woodward.
Lane,	

Senator Kimbrough moved to

Amend section 4 by putting "grain of all kinds, except corn in the ear," in the eighth class.

Senator Townsend moved to table the amendment.

Lost.

The amendment was adopted.

Senator Field moved to

Strike out "stoneware and earthenware" in fifth class and place in seventh class.

Adopted.

Senator Harrison moved to

Amend bill by striking out all of "section 5."

Adopted.

Senator Glasscock moved to

Amend section 8, by adding thereto the following, "and all railroad companies shall have erected near such depots all necessary water closets for their employees, guests and passengers."

Senator Armistead moved the previous question on the bill and the amendment.

Lost.

The amendment was adopted.

Senator Johnson moved to

Insert after the word "law," in line 10, section 12, the following: "And, provided, that a recovery for and violation of this act shall be no bar to a recovery for any other violation thereof."

Adopted.

Senator Tyler moved to

Amend section 9 by adding the following:

"All railroad companies are required to run all passenger trains run on their tap lines in close connection with trains on their main lines, and not more than one hour shall elapse by the schedule between the arrival of trains on the main line at the point of intersection of such tap line, and the departure of the next train on such tap line from such point of intersection."

Senator Lane offered the following substitute for the amendment:

Passenger trains run over tap lines shall run so as to make close connections not exceeding one hour with some passenger train on its main line at the point of intersection.

Accepted.

Senator Lane's amendment was then adopted as a part of the bill.

Senator Abercrombie moved to

Amend section 15, line 6, by striking out the words "and that this act take effect and be in force from and after its passage."

Adopted.

Senator Allen moved to postpone further consideration of the bill and have it printed as amended.

Lost.

Senator McDonald moved the previous question.

Seconded.

The main question was ordered, and The bill, as amended, was ordered engrossed.

On motion of Senator Harrison, The Senate adjourned till 10 o'clock to-morrow morning.